

R E M A R K S

Claims 1, 5, 9, 10, 12, 13, 15, 16, 18, 19, 21, 22, 24 and 25 currently remain in the application. Claims 2, 3, 4, 6, 7, 8, 11, 14, 17, 20, 23 and 26 have been canceled and no claims are herein amended.

Claims 1, 5, 9, 10, 12, 13, 15, 16, 18, 19, 21, 22, 24 and 25 are rejected under 35 U.S.C. 103 over Tsen in view of Meyer and Goto. The present invention is distinguishable from the cited references because of the step in which the process of increasing pressure inside the retort and that of releasing pressure while the water inside the retort is boiling are repeated. As explained in the specification, if pasta is placed inside a retort together with water and the water is boiled, a part of the pasta floats up above the water level. As a result, specks would appear because some parts are above the water while being boiled while parts remain inside the boiling water below the surface level. The purpose of the invention is to prevent such specks from appearing on the boiled pasta by repeatedly changing the pressure inside the retort in a certain manner according to this invention such that the water is boiled and the foamed portion thus generated by the boiling will cover the floated pasta as shown in Fig. 2 and the floated portion of the pasta will also be boiled/ The Fo value and the other conditions mentioned in the claims being submitted are for the purpose of thus boiling the pasta without causing any specks to appear thereon.

Of the references cited by the Examiner, it is only Meyer that refers to the changing of the pressure inside a container. According to the method disclosed by Meyer, pressure is increased to 50000psi (or 344.8MPa) and then reduced, repeatedly if necessary. Meyer also discloses that pressure is increased and decreased under an adiabatic condition (column 2, lines 46-52 and column 18, lines 54-59) and that air is removed from the container prior to the increase in the pressure (column 6, lines 1-8; column 7, lines 41-44 and column 8, lines 2-5). It is to be noted that the purpose of the invention by Meyer is to sterilize a food product by minimizing the change in the taste, color and/or flavor.

By contrast, the purpose of the present invention is, as mentioned above, to prevent specks from appearing on the pasta being boiled. For this specific purpose which is different from the purpose of Meyer, the increase in pressure according to the present invention is only to about 0.13MPa. In other words, the scale of the increase in pressure is totally different between the present invention and Meyer.

In the case of Meyer, pressure is increased much more, as mentioned above. If

pressure inside the container were increased as much as to 50000psi in the presence of air, various desirable effects would result, as described in column 6, lines 1-8 of Meyer. This is why the process of removing air from the interior of the container is necessary according to Meyer prior to the increase in pressure inside the container.

Meyer does not require the step of boiling. Indeed, water does not boil under the pressure-varying conditions of Meyer. By contrast, the step of boiling included in the claim language is an essential element of the present invention. It is therefore to be concluded that the present invention that requires the occurrence of boiling for the preparation of pasta cannot be deemed obvious in view of a reference that does not mention or even hint at this essential inventive element.

Neither of the other two cited references mentions or hints at the occurrence of boiling such that water at its boiling temperature would cover pasta in the manner described by the present invention and in the language of the rejected claims. It is therefore believed that the present application is in condition for allowance at least regarding the references cited by the Examiner.

Applicants believe that no extension of time is required; however, if it is determined that such an extension is required, Applicants hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an extension of time to Deposit Account No. 500388 (Order No. KGMEP015).

Please charge any additional fees required to facilitate filing the enclosed response to Deposit Account No. 500388 (Order No. KGMEP015).

Respectfully submitted,
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